## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

ALEXANDER AND SUSAN PROUT, as parents, next friends and legal guardians of F.P., a minor,	) ) )
Plaintiffs,	) Civil Action No. 1:16-CV-00225-PB
v.	)
ST. PAUL'S SCHOOL,	)
Defendant.	)
	)

## ASSENTED-TO MOTION TO AMEND PROTECTIVE ORDER

St. Paul's School (the "School"), by and through its attorneys, move this Court to amend the Protective Order entered in this case (Dkt. No. 24) so as to allow third parties obligated to produce documents or provide testimony in this matter to utilize the terms of the Protective Order. Counsel for the Plaintiffs assents to the relief granted herein. As grounds for this motion, the School states as follows:

- 1. The parties jointly moved the Court to enter the Protective Order, and the Court granted the parties' joint motion on February 8, 2017.
- 2. The parties have issued subpoenas to certain third parties for deposition testimony and to produce documents related to this matter. At least one third party, through counsel, has stated the need to produce confidential documents subject to the terms of a protective order. The parties anticipate that other third parties may also require similar protection.
- 3. In order to allow third parties involved in the discovery process in this case the ability to produce documents and provide testimony under the terms of the Protective Order, the School proposes to amend the Protective Order by adding the following as Paragraph 19:

- 19. Non-Parties. As provided in the Stipulation and Agreement attached hereto as Attachment B, a non-party that is obligated to provide discovery in this action by deposition, production of documents or otherwise, may request the protections afforded and corresponding obligations set forth in this Order for confidential documents and information. Upon signing by all parties and the producing non-party, all shall be bound by the terms of Attachment B and the terms of this Order incorporated by reference therein.
- 4. The School further proposes to amend the Protective Order by adding Attachment B, the Stipulation and Agreement pursuant to which the third party would become bound by the Protective Order. A copy of proposed Attachment B is attached hereto as Exhibit 1.
- 5. A copy of the proposed Amended Protective Order, including proposed Paragraph 19 and proposed Attachment B, is attached hereto as Exhibit 2.
- 6. Apart from the changes explicitly referenced herein, the proposed Amended Protective Order does not alter or change the Protective Order entered in this matter.
- 7. No memorandum of law in support of this motion is necessary because the relief requested lies within the Court's sound discretion. <u>See</u> LR 7.1(a)(2).
  - 8. Plaintiffs' counsel assents to the relief sought herein. <u>See L.R. 7.1(c)</u>. WHEREFORE, the School respectfully requests that the Court:
    - A. Grant this Motion;
    - B. Amend the Protective Order (Dkt. No. 24) as set forth herein and enter an Amended Protective Order in the form attached hereto as Exhibit 2; and
    - C. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

ST. PAUL'S SCHOOL,

By its attorneys,

McLANE MIDDLETON, PROFESSIONAL ASSOCIATION

Dated: November 15, 2017

By:/s/ Benjamin B. Folsom

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## **CERTIFICATE OF SERVICE**

I hereby certify on this 15<sup>th</sup> day of November, 2017, this document was filed through the Electronic Case Filing System of the United States District Court for the District of New Hampshire and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic Filing (NEF).

/s/ Benjamin B. Folsom